

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (currently amended): A throttle valve control device comprising:
  - a throttle valve for adjusting an air intake amount supplied to an engine;
  - a throttle position sensor for detecting an opening degree of said throttle valve;
  - a motor for driving said throttle valve;
  - a throttle actuator having a return spring for biasing said throttle valve in a fully closed direction; and
  - a throttle valve controlling means for driving said motor so as to control an opening degree position of said throttle valve based on the opening degree of the throttle valve detected by said throttle position sensor,wherein said throttle valve controlling means drives said motor so that the throttle opening degree position of said throttle valve is come equal to or greater than a predetermined opening degree position, cuts off an electric power supplied to said motor, ~~and~~ judges that there is a breakage failure of said return spring in a case that an output value of said throttle position sensor after elapsing a given period of time after the cutoff of the electric power is equal to or larger than a predetermined value, stores said breakage failure, and variably sets an output limit for said engine in a case that said breakage failure is stored.
2. (original): A throttle valve control device according to claim 1 , wherein said throttle valve controlling means performs breakage failure judgment on said return spring when said engine ignition switch is set to off.
3. (original): A throttle valve control device according to claim 1 , wherein said throttle valve controlling means stores a return spring breakage failure flag set to ON state in a case that a result of the breakage failure judgment is failure.

4. (original): A throttle valve control device according to claim 3, wherein said throttle valve controlling means performs an output limit for said engine in a case that said return spring breakage failure flag is set to ON state when said engine ignition switch is set to on.

5. (original): A throttle valve control device according to claim 3, wherein said throttle valve controlling means variably sets an output limit for said engine according to a value output by said throttle position sensor in a case that said return spring breakage failure flag is set to ON state and drive of said motor is impossible when the engine ignition switch is set to on.

6. (new): A throttle valve control device according to claim 2, wherein said throttle valve controlling means stores a return spring breakage failure flag set to ON state in a case that a result of the breakage failure judgment is failure.

7. (new): A throttle valve control device according to claim 2, wherein said throttle valve controlling means variably sets an output limit for said engine according to a value output by said throttle position sensor in a case that said return spring breakage failure flag is set to ON state and drive of said motor is impossible when the engine ignition switch is set to on.